

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
SHAWN DRUMGOLD	)	
Plaintiff,	)	
	)	
v.	)	C.A. NO.: 04-11193NG
	)	
TIMOTHY CALLAHAN,	)	
FRANCIS M. ROACHE,	)	
PAUL MURPHY,	)	
RICHARD WALSH, and	)	
THE CITY OF BOSTON,	)	
Defendants.	)	
_____	)	

The parties jointly submit the following Voir Dire questions to be submitted to the venire prior to empanelment. The parties have indicated the questions on which they agree. The parties have also indicated their proposed questions that have not been agreed to by the other side.

**PROPOSED JOINT VOIR DIRE**

TO THE PROSPECTIVE JUROR:

This questionnaire is being used to assist in jury selection in the case of Shawn Drumgold v. Timothy Callahan, Francis M. Roache, (Richard Walsh and the City of Boston). Please answer all questions below completely and accurately. Your answers will be used only for the purpose of selecting a jury in this case. There are no right or wrong answers to these questions. If you have any difficulty answering any of these questions, do not hesitate to consult the Court before answering that particular question. Please keep in mind that you are answering these questions under oath, and must be truthful.

Please do not write on the back of any page. If there is insufficient space after a question for you to provide a complete answer, you may continue your answer at the bottom of the page.

Please do not discuss anything about this case with anyone, and do not read, listen to, or watch anything relating to this case. **Do not engage in your own search for information about this case, including use of the Internet or other search engines to discover information apart from that entered into evidence at the trial of this action.** Until you are excused as a potential juror, or until the trial is over if you are selected as a juror, you are not to discuss this case, or allow yourself to be exposed to any discussion of this case whatsoever.

1. Name \_\_\_\_\_ Juror Number: \_\_\_\_\_
2. Age: \_\_\_\_\_ State and City of Birth (or City and Country if born outside the U.S.): \_\_\_\_\_  
\_\_\_\_\_
3. Address: \_\_\_\_\_  
No. of years at current residence: \_\_\_\_\_  
List the first names and age of members of your household and their relationship to you:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Trial of this case may last as long as 6 weeks. Do you have any obligations or commitments that would interfere with your service as a juror in this case?  
Yes \_\_\_\_\_ No \_\_\_\_\_
5. Do you have any physical or medical problems that would make juror service difficult for you?  
  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Do you have a hearing or vision impairment that may affect your ability to listen to the testimony of witnesses or see the exhibits in this case?  
  
Yes \_\_\_\_\_ No \_\_\_\_\_
7. Do you have any difficulty understanding English that may affect your ability to understand the testimony of witnesses? Yes \_\_\_\_\_ No \_\_\_\_\_
8. How long have you lived in Massachusetts? \_\_\_\_\_
9. a. Please state the highest grade completed or degree achieved and the names of the schools that you have attended:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- b. Are you presently a student? Yes \_\_\_\_\_ No \_\_\_\_\_  
  
If yes, describe the course of study and anticipated date of completion:  
\_\_\_\_\_  
\_\_\_\_\_

10. What is your occupation: \_\_\_\_\_

Name of your employer: \_\_\_\_\_

Address of employer: \_\_\_\_\_

Length of employment: \_\_\_\_\_

Present job description: \_\_\_\_\_

11. If you are not currently employed outside the home, please check the category below that best describes your employment status:

\_\_\_\_\_ Stay at home parent

\_\_\_\_\_ Retired

\_\_\_\_\_ Currently unemployed

\_\_\_\_\_ Student

\_\_\_\_\_ Other (Please explain): \_\_\_\_\_

12. If you are retired or unemployed (voluntarily or involuntarily), please answer the following questions:

What was your occupation? \_\_\_\_\_

Name of your primary employer? \_\_\_\_\_

Address of employer? \_\_\_\_\_

Length of employment: \_\_\_\_\_

13. Are you: Married \_\_\_\_\_ Single \_\_\_\_\_

Living with significant other \_\_\_\_\_

Separated \_\_\_\_\_

Divorced \_\_\_\_\_

Widowed \_\_\_\_\_

14. Spouse or significant other's

First name \_\_\_\_\_

Occupation \_\_\_\_\_

15. Do you have children? Yes \_\_\_\_\_ No \_\_\_\_\_

If you have children, please list the sex and age of each child. If the child is over 18 years of age, please also list his/her current occupation:

Male/Female

Age

Occupation

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

16. Do you regularly watch any television programs involving lawyers and police?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please identify which programs: \_\_\_\_\_

17. Do you read books or listen to books on tape?  
Yes \_\_\_\_\_ No \_\_\_\_\_

What authors and types of books do you tend to read or listen to?

18. What was the last book you read/listened to?

19. What is your primary source of news (for example, newspapers, internet, tv, radio)?

20. What newspapers and magazines, if any, do you read regularly?

21. Have you (or your spouse or significant other) ever served in the military? If so, when and in what branch? Yes \_\_\_\_\_ No \_\_\_\_\_

22. Have you had prior jury service? Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, please answer the following:

- a. Which type of jury service was it?  
Criminal \_\_\_\_\_ Civil \_\_\_\_\_ Both \_\_\_\_\_

- b. What court/  
Federal \_\_\_\_\_ State \_\_\_\_\_ Both \_\_\_\_\_

- c. Without disclosing the result, did the jury reach a verdict in the case in which you served as a juror? Yes \_\_\_\_\_ No \_\_\_\_\_

- d. Is there anything about your prior jury service that might affect your ability to be fair and impartial in this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

23. Have you ever filed a lawsuit or been named in a lawsuit as a defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe the nature of the lawsuit(s), your role in the lawsuit(s), and the result:

24. Have you, any family member or close friend or associate worked for the U.S. Attorney's Office, a state prosecutor's office, a criminal defense attorney, public defender, prison, jail or detention center?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is yes, for each such person, please list in what office that person worked, and what your relationship is with that person.

Office worked in

Relationship

25. Please read the following list of law enforcement agencies:

Boston Police Department  
Any other police department  
County Jail Authorities  
Department of Corrections  
District Attorney  
Police Commission  
Probation or Probation Agency  
Security/Detective Service  
State Police  
State Prison Authorities  
Federal Bureau of Investigation (FBI)  
Military Police  
Drug Enforcement Agency  
Federal Prison Authorities  
United States Marshal  
United States Attorney  
Immigration and Naturalization Service  
Other Federal Law Enforcement Agencies  
CIA

Have you, or has someone you know, ever been employed by any of the law

enforcement agencies listed above, or by any other law enforcement organization (as employee or volunteer)?

\_\_\_\_\_Yes

\_\_\_\_\_No

If yes, please list:

Relationship

To you (friend,

Son, etc.) \_\_\_\_\_

Position

Employer

_____	_____	_____
_____	_____	_____
_____	_____	_____

**Plaintiff's Unagreed Voir Dire Questions:**

26. Have you, a family member, or close friend ever participated in any group concerned with crime prevention or victims' rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

(a) If yes, please identify that person's relation to you:

\_\_\_\_\_  
\_\_\_\_\_

(b) If yes, what group was it? Describe its purpose and your participation in it:

\_\_\_\_\_  
\_\_\_\_\_

27. To your knowledge, is there a crime watch group in your neighborhood?

\_\_\_\_\_Yes \_\_\_\_\_No

28. Would you be more willing to believe the testimony of a police officer than another witness who is not a police officer?

\_\_\_\_\_Yes \_\_\_\_\_No

29. Some people feel that the job police officers perform is so difficult and important that it is wrong to second-guess them by suing them for wrongdoing which occurs in the course of their job performance. Would you agree that it is wrong to sue police officers?

\_\_\_\_\_Agree \_\_\_\_\_Disagree

30. Do you believe that a wrongfully convicted person should have to prove his innocence before you could hold the police responsible for violating his civil rights?

\_\_\_\_\_Yes \_\_\_\_\_No

31. For the following statement, please indicate how much you agree or disagree:

(a) Regardless of what the law says, a defendant in a criminal trial should be required to prove his or her innocence?

\_\_\_\_\_Agree strongly

\_\_\_\_\_Agree somewhat

\_\_\_\_\_Disagree somewhat

\_\_\_\_\_Disagree strongly

\_\_\_\_\_Other: \_\_\_\_\_

32. People who have been wrongfully convicted sometimes bring lawsuits against the police department. Do you favor or oppose this type of lawsuit?

\_\_\_\_\_Favor \_\_\_\_\_Oppose

33. Have you ever served on a grand jury?

\_\_\_\_\_Yes \_\_\_\_\_No

If yes, when: \_\_\_\_\_  
Where: \_\_\_\_\_  
Kind of jury: \_\_\_\_\_

34. What is your current voter registration?

\_\_\_\_\_ Not registered to vote  
\_\_\_\_\_ Democrat  
\_\_\_\_\_ Republican  
\_\_\_\_\_ Independent  
\_\_\_\_\_ American Independent  
\_\_\_\_\_ No party selected  
\_\_\_\_\_ Other \_\_\_\_\_

35. Is there any particular reason that you would like to be a juror on this case, or would not like to be a juror on this case?

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**Defendant's Unagreed Voir Dire Questions:**

36. Have you ever pleaded guilty to or been convicted of a crime, other than a simple traffic violation? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what was the crime? \_\_\_\_\_

Was it a felony or misdemeanor? \_\_\_\_\_

What punishment did you receive (including probation)? \_\_\_\_\_

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37. Are there any criminal charges now pending against you?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

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38. Have you, a close friend or a family member ever been charged with a crime?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, for each person, state that person's relationship to you, the type of crime, and the date of the charges:

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Is the case over? Yes \_\_\_\_\_ No \_\_\_\_\_

What was the outcome? \_\_\_\_\_

If you answered yes, did you feel the person involved was treated fairly?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer is No, why not? \_\_\_\_\_

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39. Have you, a family member, close friend or associate ever been the victim of a crime? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe each such incident, giving the date, who was involved (you, relative or friend), and what kind of crime was involved:

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40. In general, what opinion, if any, do you hold of police officers? \_\_\_\_\_

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41. Have you ever had a personal encounter with a police officer?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please describe your experience: \_\_\_\_\_

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42. This case ultimately stems from the 1988 shooting death of Darlene Tiffany Moore (hereafter: the "Tiffany Moore Case"), in the Roxbury neighborhood in Boston. She was 12-years old at the time of her death. Plaintiff, Shawn Drumgold, was arrested, prosecuted and convicted of the crime. Do you have any knowledge about this event from any source whatsoever?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe what you know and how you learned all of your acquired knowledge: \_\_\_\_\_

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43. Has anyone ever talked to you about the facts of the Tiffany Moore case?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please identify who talked to you and explain: \_\_\_\_\_

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44. Have you formed any opinions at all about the facts in the Tiffany Moore case?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please identify which facts and explain: \_\_\_\_\_

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45. Have you formed any opinions about any of the parties involved in the Tiffany Moore case? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please briefly describe your opinions: \_\_\_\_\_

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46. Have your civil rights ever been violated or have you ever felt that your civil rights were violated? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

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47. Do you personally know anyone whose civil rights were violated?

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, please explain: \_\_\_\_\_

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48. Do you have any opinion regarding allegations of civil rights violations made against police officers? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

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\_\_\_\_\_  
Juror Signature